APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,525	06/28/2001	Manoel Tenorio	020431.0843	8191

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EXAMINER
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ART UNIT	PAPER NUMBER
2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/895,525	TENORIO, MANOEL
	Examiner	Art Unit	
	SUSAN Y. CHEN	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on <u>16 February 2009</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-37</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-37</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Feb.

16, 2009 has been entered.

Claims 1-37 are pending for examination; claims 1, 9, 12, 20, 23, 31 and 34-37

have been amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-18, 20-29 and 31-37, are rejected under 35 U.S.C. 102(b) as being

anticipated by Call (U.S. Patent No. 6,154,738).

As to claims 1, 12, 23, and 34-37, Call discloses a computer-implemented system with method and executable program products for categorizing product data in an electronic commerce transaction [e.g., Abstract, Fig(s). 1-8 and associated texts] as claimed by applicant, comprising the following functions:

a global content directory server [e.g., the Internet light weight directory server at Abstract, lines 6-7, the shared sales Internet server at Abstract, line 16] coupled with one or more seller databases over a network [e.g., the product/retail/reseller information databases via the Internet such as the units: 103, 105, 107, 120, etc, Fig. 1], the global content directory server comprising:

a stored data association module configured to [e.g., the "Web register" module at Abstract, lines 14-20, Fig(s). 1- 8 and associated texts]:

a) access a first product classification schema, the first schema comprising a taxonomy that comprising a hierarchy of classes for categorizing one or more products [e.g., the use of cross-reference product servers at Abstract, line 18, etc., col. 11, lines 65- col. 12, lines 46], the first schema further comprising ontology associated with one or more of the classes [e.g., the use of XML metadata & Document Type Descriptor techniques at col. 25, lines 26 – 34, 53-66], each ontology comprising one or more product attributes, wherein each of the one or more products is associated with a global unique identifier [e.g., the use of universal product code cross-referencing schema with domain name services over an Internet at col. 21, lines 6 – col. 22, lines 53, Fig 6 and associated texts];

b) access target data to be associated with the first schema, the target data

organized according the a second product classification schema [e.g., col. 22, lines

55—col. 26, lines 27, the browser navigation processing of Fig. 6 and associated texts];

c) determine one or more classes of the first schema with which at least a portion

of the target data is associated based on a comparison between the target data and the

product attributes of the ontologies of the first schema or between the target data and

values for one or more of the product attributes of the ontologies of the first schema

[e.g., the use of cross-reference server at Fig(s). 3-4 and associated texts];

d) associate the at least a portion of the target data with one or more classes of

the first schema in response to determine, based on the automatic comparison, the one

or more classes of the first schema with which the at least a portion of the target data

should be associated. [e. g., the use of WWW consortium search engines with XML,

Xsl, Xpointer, XLink indexing schema at col. 25, lines 35 – col. 26, lines 27, col. 33,

lines 1-12]; and

e) store the values for the one or more of the product attributes of the ontologies

of the first schema with which the target data is compared in one or more seller

databases [e.g., col. 13, lines 45 – col. 14, lines 2, Fig(s). 3-7 and associated texts].

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As to claims 2-6, 13-17 and 24-28, except the limitations recited in claims 1, 12,

and 23, Call further discloses that the determining one or more classes of the first

schema with which the at least a portion of the target data is associated comprises

identifying a portion of the target data via matching the name, the value, a range of

value, the symbol and formatting of a product attribute in the ontology of these one or
more classes of the first schema [e.g., Call: Fig. 2 and associated texts, col. 11, lines 65
– col. 12, lines 57].

As to claims 7, 18 and 29, Call further discloses that determining one or more
classes of the first schema with which the at least a portion of the target data is
associated comprises using vector space analysis to identify multiple portions of the
target data including values that correspond to values for multiple product attributes
included in the ontologies of these one or more classes of the first schema [e.g., the use
of LDAP in the product code cross-referencing schema in a vector domain name space
col. 20, lines 30 - col. 21, lines 4].

As to claims 9-11, 20-22 and 31-33, Call further discloses using indicators to
determine the association between the system classes and it's attributes and the
indicators are pointers [e.g., the use of Xlinks, Xpointers of XML document at col. 24,
lines 45-col. 25, line 13].

Claim Rejections - 35 USC § 103 (Continue)

Claims 8, 19 and 30, are rejected under 35 U.S.C. 103(a) as being unpatentable
over Call et al. (U.S. Patent No. 6,154,738) in view of Sahai et al. (U.S. Patent No.
7,272,626).

As to claims 8, 19 and 30, Call did not specifically disclose determining one or more classes of the first schema with which the at least a portion of the target data is associated comprising using statistical correlation techniques to identify portions of the target data including values that correspond to values for a product attribute included in the ontologies of these one or more classes of the first schema.

However, Sahai et al. (hereinafter referred as Sahai) discloses using statistical correlation techniques to identify portions of the target data including values as claimed [e.g., Title, Abstract, col. 3, lines 21- col. 4, lines 34, Fig(s) 4-9 and associated texts].

Call and Sahai are of the same field of endeavor to dynamically identify target data with a product classification schema via the use of a global unique identifier in the XML document, hence, it would have been obvious for an ordinary skilled person in the art at the time the invention was made to apply the statistical technique disclosed by Sahai into the system of Call, because by doing so, the combined system will be upgraded to use the well-known statistical correlation techniques to identify portions of the target data including values that correspond to values for a product attribute included in the ontologies of these one or more classes of the first schema, such that the combined system will provide a more precise response to the user in a decentralized manner.

Response to Arguments

Applicant's arguments filed on Feb 21, 2008 have been fully considered but they are not persuasive.

As to claims 1-11 and 34-35, the arguments against the 35 U.S.C. § 101 rejections of these claims have been fully considered, however, it is not persuasive. Because applicant failed to defined the metes and bounds of the claimed a global content directory server, which could represent a conceptual Internet server having software only. Thus, the rejections on record are maintained.

The examiner disagrees with applicant's arguments that Call failed to disclose the claimed "data association module" which is configured to access the claimed "a first product classification schema".

In replay to applicant's arguments, the examiner first points out that applicant failed to clearly define the metes and bounds of the claimed "a first product classification schema", as such, it is widely open for reasonable art interpretation.

In addition, the examiner directs applicant's attention to the following excerpts and figures disclosed by Call:

For example, at the Abstract, lines 14-20 of Call's invention, he clearly disclosed the claimed "data association module" [e.g., "Web register" module] which is configured to access the claimed a first product classification schema via a plurality of cross-reference server [e.g., the product servers at Abstract, line 18, etc. & col. 11, lines 65-col. 12, lines 46].

Furthermore, at col. 11, lines 65 - col. 12, lines 46, Call clearly cited the following:

"By way of example, in the bookselling industry, publishers, distributors, retailers, and libraries often require a database of bibliographic information which consists, for each book, of the book title, author name(s), publisher's name, publication date,

type of book (hardcover, paperback, etc.), page count, recommended retail price(s), and ISBN number (which takes the form of a subpart of the EAN universal product code). To the extent the content and format of data records which describe particular classes of products in particular industries and trade groups have been previously adopted and placed in widespread use, those structured data records may advantageously be made available utilizing the present invention. This is preferably achieved in two ways: a data record (file) containing such field-structured information about each product which is designated by a universal product code is placed by the manufacturer in the directory it creates for that product. This structured data record is given a filename indicative of the format used to store the structured data. For example, each directory bearing a name corresponding to the EAN number for a book would preferably contain a file named "biblio.dat" which contains a single structured record containing bibliographic data describing that book."

"In addition, the manufacturer would place a combined file, also called "biblio.dat" in its root backslash.upcinfo" directory which contains all of the records for all of the products individually described in the subdirectories which have that structure in a single file. For most manufacturers, these structured data files, both individual record files in the subdirectories and the combined file in the root directory, may be automatically created and updated on a periodic or dynamic basis from the content of the manufacturer's existing database. The use of a single combined file at each server permits multi-manufacturer databases to be created by first retrieving the IP-addresses of all or part of the cross-reference table 215, and then retrieving and merging the combined data files from the "/upcinfo"

directories from each identified server.
Alternatively, when information about all of a given
manufacturer's products of a given type is not desired,
the needed individual structured data files can be
retrieved from the individual product directories."

"As described later in more detail, the information
which the manufacturer makes available can
advantageously be stored using the eXtensible
Markup Language (XML), which is also well suited for
providing metadata which defines and describes the
meaning of the various kinds of information that can
be provided about individual products, groups of
products, and the manufacturers and distributors from
which those products are obtained."

As set forth above, Call clearly depicted that his system accessed a first product

classification schema by using the content and format of data records as stored XML

metadata. Wherein, the first schema is deemed to include a taxonomy [e.g., "/upcinfo"

directories] which included a hierarchy of classes for categorizing one or more products

[e.g., the manufacturer would place a combined file, also called "biblio.dat" in its root

/upcinfo" directory which contains all of the records for all of the products individually

described in the subdirectories which have that structure in a single file.] In addition,

the use of a hierarchical domain name product code cross-referencing schema at col.

21, lines 6 – col. 22, lines 53, and Fig. 6 also disclosed the claimed limitations.

Moreover, the use of XML metadata & Document Type Descriptor (DTD) object

oriented modeling process in a Resource Description Framework (RDF) at col. 25,

lines 26 – 34, 53-66 further described the claimed limitations. As such, in contrary to

applicant's arguments, Call clearly anticipated the claimed invention.

In replay to the arguments against the 35 U.S.C. § 103(a) rejections:

As discussed above, because the Office action have clearly addressed the features as recited in claims 1-7, 9-18, 20-29 and 31-37 under 35 U.S.C. § 102(b) and combined the art of Sahai et al. (U.S. Patent No. 7,272,626) to successfully build a reasonable Prima Facie case for the claims 8, 19 and 30, for which applicant arguments based on the 35 U.S.C. § 102(b) is not persuasive.

Thus based on the discussion above, because applicant does not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, applicant does not show how the amendments avoid such references or objections. The examiner concludes that the prior art read on the claimed features.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN Y. CHEN whose telephone number is (571)272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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April 24, 2009

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